HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8164 of 2007

Dated:19.04.2007

Between:

Dondapati Samrajyam

…Petitioner

and

District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8164 of 2007

ORDER:

The petitioner allegedly purchased an extent of Ac.0.50 cents in survey No.1853/A situated at Gurajala Village, Narsaraopet Mandal, Guntur District, under a registered sale deed. She also obtained pattadar passbook and title deed from the third respondent. She alleges that a week prior to filing this Writ Petition the surveyor from the office of the third respondent came to the site, took measurements and mortgaged the land informing that the land is being taken for construction of a hostel for school students from the Backward Caste Welfare Department Funds. Apprehending that she might be dispossessed forcibly without due proceeds of law, the present Writ Petition is filed seeking a declaration and direction.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A), this Court is convinced that the writ petition is filed on a mere apprehension.

As seen from paragraph four of the affidavit accompanying the Writ Petition, when the surveyor visited the land, apprehending that the land will be taken present Writ Petition is filed. The reason for such apprehension is not disclosed in the affidavit. However, this Court observes that if the petitioner is the owner of the land, she cannot be dispossessed without due process of law. Even the petitioner is in occupation of any Government land in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, she can only be dispossessed by due process of law.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

19.04.2007
GJ